

Serial No.: 09/588,443
Attorney Docket No.: E-848

Patent

REMARKS

1. Status of Claims

Claims 1-15 were pending in the Application. Applicant has amended claim 5. Applicant respectfully requests entry of the above amendments and consideration of the enclosed remarks. Applicant submits that no new matter is added. Accordingly, claims 1-15 will remain pending in the application.

2. Objections to the Specification

In section 2 of the Office Action, the Examiner objected to the specification. Applicant has included the related application numbers and corrected typographical errors. Applicant respectfully requests that the Examiner withdraw the objection.

3. Rejections under 35 USC § 112

In section 4 of the Office Action, the Examiner has rejected claims 1, 5-6 and 11 under 35 U.S.C. 112 as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully traverses the rejection. Applicant disagrees with the Examiner's assertions that claim 1 is limited to postage metering. Applicant submits that the claim recites "selected transaction data." Accordingly, Applicant respectfully submits that claim 1 is not confusing. Applicant has amended claim 5 to remove the term "may."

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

4. Rejections under 35 USC § 103(a)

In section 6 of the Office Action, the Examiner rejected Claims 1, 6 and 11 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 4,811,234

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to Storace ("Storace '234") in view of U.S. Patent No. 5,058,030 to Schumacher ("Schumacher '030").

Applicant respectfully traverses the rejection. Applicant respectfully submits that the Examiner has not put forth a prima facie rejection.

For example, Applicant submits that claim 1 recites "identifying selected transaction data from among the transaction data corresponding to a defined recipient." Additionally, claim 1 recites "using the selected transaction data to generate a recipient profile of messages intended for the defined recipient that have been processed by the plurality of messaging systems." Applicant respectfully submits that the cited references do not alone or in any proper combination render the invention as presently claimed in claim 1 obvious.

Applicant respectfully submits that claims 6 and 11 are allowable over the cited references for similar reasons.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection to claims 1, 6 and 11.

In section 6 of the Office Action, the Examiner rejected Claims 2-5, 7-10 and 12-15 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 4,811,234 to Storace ("Storace '234") in view of U.S. Patent No. 5,058,030 to Schumacher ("Schumacher '030") and further in view of U.S. Patent No. 6,029,137 to Cordery, et al. ("Cordery '137").

Applicant respectfully traverses the rejection. Applicant respectfully submits that the Examiner has not put forth a prima facie rejection. Applicant respectfully submits that dependent claims 2-5, 7-10 and 12-15 are patentable over the cited references for at least the reasons stated above with reference to respective independent claims 1, 6 and 11.

Furthermore, with respect to claims 2, 3, 5, 7, 8, 10, 12, 13 and 15, the Examiner has not described how the segmentation of Cordery '137 which relates to

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organizing a population of postag m ters rather than messages in any way can be related to the invention as currently claimed.

Furthermore, Applicant respectfully submits that the Examiner has not addressed each dependent claim limitation.

Furthermore, with respect to claims 4, 9 and 14, Applicant respectfully submits that the citation does not appear to reference the assertion made by the Examiner.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection to claims 2-5, 7-10 and 12-15.

Accordingly, Applicants submit that the invention as presently claimed in claims 1-15 is patentable over the cited references and in condition for allowance.

5. Information Disclosure Statements

Applicant respectfully requests consideration of and initialed 1449 forms for the Information Disclosure Statements filed on September 5, 2000 and October 31, 2001.

6. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

7. Authorization


Please charge the required fee as specified in the Amendment Transmittal letter enclosed herewith. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. E-848.

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In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. E-848.

Respectfully submitted,



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